

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSEPH FLOWERS,

Petitioner,

v.

CASE NO. 05-CV-73908-DT
HONORABLE ARTHUR J. TARNOW

JAN TROMBLEY,

Respondent.

ORDER OF DISMISSAL

Petitioner Joseph Flowers has filed an application to proceed *in forma pauperis* and a *pro se* habeas corpus petition under 28 U.S.C. § 2254. The habeas petition challenges Petitioner's state convictions for second-degree murder, assault with intent to do great bodily harm less than murder, and possession of a firearm during the commission of a felony. The same convictions are the subject of another habeas petition filed by Petitioner. That petition currently is pending before United States District Judge Gerald E. Rosen. *See Flowers v. Trombley*, Case No. 05-CV-73539-DT (E.D. Mich. Sept. 15, 2005).

“[G]enerally, a suit is duplicative if the claims, parties, and available relief do not significantly differ between the two actions.” *Serlin v. Arthur Andersen & Co.*, 3 F.3d 221, 223 (7th Cir. 1993) (internal quotation marks and citations omitted). A district court, as part of its general power to administer its docket, “may stay or dismiss a case that is duplicative of another federal court suit.” *Curtis v. Citibank, N.A.*, 226 F.3d 133, 138 (2d Cir. 2000).
Piedra v. Aguirre, 125 Fed. Appx. 968, 969 (10th Cir. 2005).

Flowers v. Trombley, No. 05-CV-73908-DT

The habeas petition pending before this Court is identical to the one pending before Judge Rosen. Accordingly, Petitioner's application to proceed *in forma pauperis* [Doc. #2, Oct. 12, 2005] is GRANTED, but his habeas petition [Doc. #1, Oct. 12, 2005] is DISMISSED without prejudice as duplicative of case number 05-CV-73539-DT.

s/Arthur J. Tarnow

Arthur J. Tarnow
United States District Judge

Dated: October 31, 2005

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 31, 2005, by electronic and/or ordinary mail.

s/Catherine A. Pickles

Judicial Secretary